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Programme element II.e (ii)

Matters left pending and other issues arising from the programme elements of the IPF process

Forest-related work under existing instruments

Report of the Secretary-General

SUMMARY

The present report contains a brief discussion of programme element II.e (ii), "Forest-related work under existing instruments" (for the related programme element II.e (i), "Forest-related work of international and regional organizations", see E/CN.17/1998/IFF/5). It reviews 20 existing international legal instruments with relevance to forests. For each instrument, when relevant, the following items are elaborated: (a) particular developments within the framework of the instrument with relevance to forests; (b) the possible further application of the instrument to forests; and (c) analysis of the instrument with reference to an all-encompassing holistic approach to forests.

Information is presented in order to identify existing gaps and overlaps in international forest-related instruments and their implementation. The report notes that all functions and roles of forests have been regulated to some extent. Most instruments reviewed have links or have established links on forest-related issues. However, the report also emphasizes the lack of coordination and the great fragmentation in forest-related work. There is no all-encompassing, cohesive and comprehensive legal instrument on forests, and some important forest issues or regions are omitted from all the instruments reviewed.

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The report concludes with four preliminary options for action to fill the gaps in the international forest arena, including (a) adaptation of existing conventions to new forest-sector demands; (b) preparation of specific agreements on forest topics that have not been regulated; (c) preparation of a comprehensive agreement to take into account the holistic nature of forest issues; or (d) continuing the practice of preparing "soft law" instruments that are not legally binding.

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INTRODUCTION

1. The Intergovernmental Forum on Forests (IFF), in its programme of work adopted at its first session, decided under category II to consider matters left pending and other issues arising from the programme elements of the former Intergovernmental Panel on Forests (IPF) process, and to include, under programme element (e), "Forest-related work of international and regional organizations" the following mandate: "Further examine the forest-related work being carried out by international and regional organizations and under existing instruments in order to identify gaps and overlaps" (see E/CN.17/IFF/1997/4, para. 7, category II (e)).

2. The present report has been prepared to facilitate the substantive discussion on the forest-related work being carried out under existing instruments. The document is complementary to the report of the Secretary-General on programme element II.e (i), "Forest-related work of international and regional organizations" (E/CN.17/IFF/1998/5). It reviews 20 existing international legal instruments with relevance to forests, 17 of which are legally binding, while 10 instruments are global and seven regional. In addition, three non-legally binding instruments considered most relevant and constituting a holistic approach towards forests are examined (see list of all 20 instruments in annex).

3. It is understood that there is a difference between legally binding and non-legally binding instruments. Some instruments are not yet binding because they have not entered into force; others are not intended to be legally binding. From a legal point of view, it is difficult to compare the two categories with one another. The present report partly disregards this legal reality in some instances for the sake of analytical convenience and to allow a subject-oriented comparison that identifies gaps and overlaps of international instruments of relevance to forests.

4. To present an overview of existing gaps and overlaps in international instruments in relation to forests, tables 1, 2 and 3 are included at the end of the text in order to illustrate the contents and implementation of the instruments studied; the relation of these instruments with the role and functions that forests may fulfil; and the relation of these instruments with the basic preconditions that may be necessary to meet the role and functions of forests.

I. OVERVIEW OF THE CONCLUSIONS AND PROPOSALS OF THE INTERGOVERNMENTAL PANEL ON FORESTS FOR ACTION ON PROGRAMME ELEMENT V.1, "INTERNATIONAL ORGANIZATIONS AND MULTILATERAL INSTITUTIONS AND INSTRUMENTS"

5. In its original mandate for IPF concerning its programme element V.1, the Commission recognized the need to develop a clearer view of the work being carried out by international organizations and multilateral institutions and under existing instruments, as appropriate, including the Convention on

Biological Diversity, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, the United Nations Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the International Tropical Timber Agreement (ITTA) in forest-related issues, including United Nations Conference on Environment and Development (UNCED) decisions related to forests and the institutional linkages emanating therefrom, in order to identify any gaps, areas requiring enhancement, as well as any areas of duplication. In its final report, IPF agreed on several conclusions and adopted four proposals for action on programme element V.2 (see E/CN.17/1997/12).

6. Governments, as part of the IPF process, reviewed the major issues and agreed on conclusions and proposals for action with regard to the forest-related work of international organizations and multilateral institutions and instruments. For example, in its conclusions reflecting the overall thrust of the discussion under this topic, the Panel acknowledged that no single multilateral body, organization or instrument currently has either a mandate or capacity to address, in a balanced, holistic and mutually reinforcing way, all issues that are currently on the international agenda with respect to all types of forests. It also noted that existing forest-related legally binding instruments do not deal comprehensively with all issues relating to forests, including sustainable forest management. Accordingly, the present document has been prepared to support IFF in its further examination of the forest-related work being carried out under existing instruments in order to identify gaps and overlaps.

7. In its proposals for action, the Panel called on countries to support the work on forest-related issues of international and regional organizations and agencies and under relevant instruments. It also requested countries to guide relevant international and regional institutions and those administering instruments, through their governing bodies, to accelerate incorporation into the relevant work programmes of the forest-related results of UNCED and of further progress achieved since then, including the proposals for action adopted by IPF.

II. FOREST-RELATED WORK BEING CARRIED OUT UNDER EXISTING INSTRUMENTS

A. Forests under existing instruments

1. Convention on Wetlands of International Importance Especially as Waterfowl Habitat

Adoption:	2 February 1971
Entry into force:	21 December 1975
Parties:	106 (03/1998)
Web site:	http://www2.iucn.org/themes/ramsar

8. Forests are not of key importance in the Ramsar Convention. A more central role is not currently envisaged. The Eleventh World Forestry Congress, held in October 1997, recommended that Governments pay more attention to mangrove and coastal forest ecosystems. The Ramsar Convention seems to be the appropriate forum in which to do so; however, the Convention is only applicable to certain types of forest; some parts of the world are less well represented, notably the Caribbean, the Near East, Southern Africa and the South Pacific; and the Convention focuses strongly on conservation only.

2. Convention Concerning the Protection of World Culture and Natural Heritage

Adoption:	16 November 1972
Entry into force:	17 December 1975
Parties:	152 (10/1997)
Web site:	http://www.unesco.org/whc

9. The inclusion of a forest in the World Heritage List recognizes its universal interest and value, as well as the national sovereignty of the State over that forest. The World Heritage Fund can be accessed for funds. In particular, indigenous populations living in forests can lobby for inclusion. However, the Convention does not have any specific focus on forests; inclusion in the World Heritage List requires the consent of the State concerned (article 11.2); the Convention focuses solely on preservation and protection; and only forests of universal value can fall under the scope of the Convention.

3. Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer

	Vienna Convention	Montreal Protocol
Adoption:	22 March 1985	16 September 1987
Entry into force:	22 September 1988	1 January 1989
Parties:	166 (03/1998)	165
Web site:	http://www.unep.org/secretar/ozone	

10. The full implementation of the ozone regime would be beneficial to forests. However, willingness to comply seems to be diminishing. Many States have not yet ratified the London and Copenhagen amendments to the Montreal Protocol. Even with full implementation of the Protocol by all countries of the world, the ozone layer will continue to deplete until the year 2000. The ozone regime was designed to deal with a specific problem, i.e., the depletion of the ozone layer. No special attention has been given to the effects of depletion of the ozone layer on forests.

4. United Nations Framework Convention on Climate Change and Kyoto Protocol to the United Nations Framework Convention on Climate Change

	Convention	Kyoto Protocol
Adoption:	9 May 1992	11 December 1997
Entry into force:	21 March 1994	not yet in force
Parties:	174 (03/1998)	-
Web site:	http://www.unfccc.org	

11. The recent adoption of the Kyoto Protocol could have great relevance for forests. It states that each Annex 1 Party shall, in achieving its quantified emission limitation and reduction commitment, implement and further elaborate policies and measures in accordance with national circumstances, such as the protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking into account its commitments under relevant international environmental agreements, the promotion of sustainable forest management practices, afforestation and reforestation (article 2.1 (a) (ii)). Further, article 3.3 of the Protocol declares that the net changes in greenhouse gas emissions by sources and removals by sinks resulting from direct human induced land-use change and forestry activities, limited to afforestation, reforestation and deforestation since 1990, measured as verifiable changes in carbon stocks in each commitments period, shall be used to meet the commitments under the article of each Party included in Annex 1. Before the first meeting of the Conference of Parties to the Protocol, Annex 1 countries will have to provide data of their carbon stocks in 1990 to enable estimates of changes in subsequent years (article 3.4) so that, for example, changes in greenhouse gas removals by sinks can be subtracted from the assigned amount for that Party.

12. The implementation of the Kyoto Protocol will put more emphasis on the role of forests as sinks. Further, the eleventh World Forestry Congress concluded that the Joint Implementation approach under the climate regime is regarded by some as a promising instrument for the protection of tropical rainforests. However, the compliance with the Kyoto Protocol is regarded as unbalanced since forests are regarded as mainly providing one function, carbon sink. The ecological quality of forests is largely irrelevant in the instrument. Large plantations of monoculture may help to lock up carbon but will do little to protect biodiversity in forests.

5. Convention on Biological Diversity

Adoption:	5 May 1992
Entry into force:	29 December 1993
Parties:	172 (03/98)
Text:	UNEP/Bio.Div/N7-INC.5/4, 31 ILM 822
Web site:	http://www.biodiv.org/forest.html

13. The implementation of the programme of work of the Convention on Biological Diversity on forest biological diversity would be of great importance to forests and the work of IFF since it contains many elements of interest to both. In particular, the work of the Convention on ecosystems, genetic resources and traditional knowledge is relevant to IFF, and vice versa. The fourth meeting of the Conference of Parties to the Convention in May 1998 adopted a programme of work for forest biological diversity (see its decision IV/7) to enhance Parties' abilities to realize the objectives of the Convention through improved implementation, by encouraging and helping Parties to develop measures for enhancing the integration of conservation and the sustainable use of biological diversity into their national forest and land-use programmes and forest-management systems. The programme is designed to identify traditional forest systems of conservation and sustainable use of forest biological diversity, and to promote the wider application, use and role of traditional forest-related knowledge in sustainable forest management and the equitable sharing of benefits, in accordance with article 8 (j) and other related provisions of the Convention.

14. The focus on biodiversity, however, precludes other key areas of concern on the international forest agenda, such as multiple benefits provided by forests, market access for forest products and non-discriminatory trade practices. Since biodiversity is more concentrated in tropical forests, these get more emphasis than other types of forests.

6. United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

Adoption:	17 June 1994
Entry into force:	26 December 1996
Parties:	122 (03/98)
Web site:	http://www.unccd.ch

15. At its first meeting, the Conference of Parties to the Convention established a global mechanism for promoting, mobilizing and rationalizing the transfer of financial and technological assistance, and collecting and

disseminating information. The global mechanism has not yet become operative; it might offer an opportunity to raise financial assistance for forest-related projects. Another feature of the Convention is the provision for partnership arrangements. These agreements spell out the role of each partner, including donor agencies and Governments, recipient Governments and non-governmental organizations. They can be used for many different purposes, such as mobilizing financial resources, reorienting assistance mechanisms to fit the Convention's approach, making inventories of funding sources or developing new models of technological cooperation. They can also be used to include forest-related matters. Another application of the Convention for forest-related matters would be exchange and use of data on issues relevant for both topics.

16. One of the fundamental issues in the Convention is the determination of the nature, extent and socio-economic impact and costs of desertification. The lack of adequate support and practical indicators of land degradation has long restricted the availability of good scientific data. Work on assessing the economic and social aspects of desertification is gathering momentum, but much more effort is still required, particularly on environmental economics, the effects of trade and socio-economic questions.

7. Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169)

Adoption:	27 June 1989
Entry into force:	5 September 1991
Parties:	12 (04/98)
Web site:	http://www.ilo.org

17. This Convention could be an important instrument in relation to forests. A comprehensive forest strategy should include reference to the participation of indigenous people in national land-use plans and programmes (see Forest Principles 5 (a) and 12 (d), and IPF programme element I.1). The IPF mandate includes the element of how traditional forest-related knowledge can be better protected and benefits more equitably shared, preferably with legal grounding, such as for governing access to and use of traditional forest-related knowledge. The IPF proposals for action include encouraging countries to develop, implement, monitor and evaluate national forest programmes, including a wide range of approaches for sustainable forest management, taking into consideration the recognition and respect for customary and traditional rights of, inter alia, indigenous people and local communities, and secure land tenure arrangements. The Leticia Declaration, prepared as part of the IPF process, states that the rights, welfare, viewpoints and interests of indigenous peoples and other forest-dependent peoples should be central to all decision-making about forests at the local, national, regional and international levels, and that indigenous peoples and other forest peoples constitute an important cross-cutting theme in the forest agenda, affecting many other issues.

18. The most important drawback of the Convention, however, is its limited ratification. The Convention is not global in its scope: of the 12 Parties, eight are from South/Central America, three from Europe and one from the Pacific. Some indigenous peoples consider that the Convention undermines indigenous aspirations by emphasizing "participation" and "consultation" rather than self-determination, although the provisions in Article 7 are strong. Usually, the Convention is recalled as a conservation Convention, and the emphasis on sustainable use is often overlooked. Indigenous groups do not have direct access to the International Labour Organization (ILO) reporting procedures. Some States regard the provisions of the Convention to be at odds with the concept of State sovereignty.

8. Convention on International Trade in Endangered Species of Wild Fauna and Flora

Adoption:	3 March 1973
Entry into force:	1 July 1975
Parties:	143 (12/1997)
Web site:	via http://www.unep.ch

19. In the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the identification of timber species has the potential to be of great relevance to forests. The Conference of Parties to the Convention, at its tenth meeting, decided that the Parties should determine whether national standard organizations have already developed agreed vernacular nomenclatures for timber species, and if so, should provide this information to the secretariat. A list of agreed scientific names and their agreed vernacular names should be provided to timber importers and agencies dealing with CITES enforcement and border inspections for such standardization to be useful.

20. CITES, however, is only concerned with a limited amount of species, and the balance between economic and conservation interests is sometimes missing. The CITES focus on transnational trade and border controls is becoming more difficult to maintain with the current expansion of free trade areas.

9. International Tropical Timber Agreement (ITTA)

Adoption:	26 January 1994
Entry into force:	1 January 1997
Parties:	51
Web site:	http://www.itto.or.jp

21. ITTA is intensifying its work on certification, as indicated at the twenty-third session of the International Tropical Timber Council (1997). It studies the overall developments since 1996, including details of experiences gained in seven countries. One underlying assumption of an effective use of certification is the existence of a market where certified products are preferred by buyers and consumers. The other is that forest owners and managers, processing industry, suppliers and distributors can enjoy equitable benefits from certification. In the context of the International Tropical Timber Organization (ITTO) year 2000 objective, a set of revised criteria and indicators have been developed, aiming at offering practical assistance to member countries in their efforts towards sustainable forest management, and will provide a measure by which to monitor these. Other developments of interest are the commitment made by ITTO members to review the scope of the agreement four years after its entry into force, and the possibility of extending the concept of the year 2000 objective for all types of forests.

22. This instrument, however, concerns only tropical hardwood (although the word "tropical" has been removed from some clauses compared to the 1983 ITTA). It provides a forum for producers and consumers only; some producer countries are de facto consumer countries.

10. General Agreement on Tariffs and Trade/Agreement Establishing the World Trade Organization

	GATT	WTO
Adoption:	30 October 1947	15 April 1994
Entry into force:	1 January 1948	1 January 1995
Parties:	126	132 (09/1997)

23. The trade and environment debate relating to forest products and services could in the near future deal with several issues applicable to forests, such as the improvement of market access to forest products and services, including further reduction of tariff and non-tariff barriers to trade; the promotion of community-based processing and marketing of wood and non-wood forest products; the development and exchange of experiences in respect of the implementation of full-cost internationalization and its application to sustainable forest management, and relevant policy mechanisms; and the promotion of certification of forest products.

24. Under the Agreement on Technical Barriers to Trade, Governments may decide that international standards are not appropriate because of, for example, fundamental technological problems. There is uncertainty about the role of "eco-labelling" criteria in the Technical Barriers to Trade Agreement since it covers mandatory rules and standards, and eco-labelling is often done on a voluntary basis. Another recent WTO agreement that might have implications for forests is the Agreement on Subsidies and Countervailing Measures. Government assistance to meet environmental requirements is included in this category of subsidies provided that such assistance meets certain conditions. The Subsidies

Agreement includes attention for adapting existing facilities to meet new government-imposed environmental requirements that result in greater constraints and financial burdens on such firms.

25. The Uruguay Round of multilateral trade negotiations made significant progress in improving market access for forest products, especially in terms of reducing tariffs for all types of forest products. Yet barriers to international trade in forest products, particularly non-tariff barriers, could still impede access of forest products to the international market. Market transparency of forest products and cost internalization of forest management are two issues that remain unresolved.

11. Convention on Long-Range Transboundary Air Pollution, and Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Long-Term Financing of the Cooperative Programmes for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP)

	Convention	EMEP
Adoption:	13 November 1979	28 September 1984
Entry into force:	16 March 1983	28 January 1988
Parties:	43 (03/1998)	37
Web site:	http://www.unece.org/env	

26. The 1988 Nitrogen Protocol introduced an innovation in the form of environmental quality standards, aiming to establish levels beyond which pollution is not permitted. This approach sets targets for acceptable levels of environmental interference by setting "critical loads" that can be translated into individual country targets (article 2). IPF welcomed the widespread application of the critical loads approach adopted under the Convention, and commended the approach for consideration by other States whose forests are or may be affected by air pollution. IPF encouraged countries to adopt a preventative approach to the reduction of damaging air pollution, which may include long-range transboundary air pollution, in national strategies for sustainable development, and further encouraged the development of methods for the assessment and monitoring of national-level criteria and indicators for airborne pollutants in the context of sustainable forest management.

12. Amazon Cooperation Treaty

Adoption: 3 July 1978

Entry into force: 2 August 1980

Parties: 8

Web site: http://www.spt-tca.org.

27. The Treaty for Amazon Cooperation is becoming increasingly important for the forests of the Amazon region. Its effective implementation is enhanced by the acquiring of necessary funds, the great variety of projects, and the organizational structure under the Treaty. The Treaty establishes an important political forum. Further implementation of programmes and projects would be relevant to forests. The Treaty for Amazon Cooperation is mainly concerned with economic development; the ongoing emphasis on the sovereignty issue may hamper international cooperation and collaboration.

13. Regional Convention for the Management and Conservation of the Natural Forest Ecosystems and the Development of Forest Plantations

Adoption: 29 October 1993

Entry into force: Not yet in force

Parties: -

Web site: http://www.ccad.org.gt

(Central American Commission on Environment and Development)

28. The objectives of the Convention are (a) to promote national and regional mechanisms that will prevent a change in land use of those areas covered with forests that are occupying lands with forestry potential, and to recover deforested areas; (b) to establish a homogeneous soil classification system through the reorientation of settlement policies in forest lands; (c) the discouragement of actions that favour forest destruction in lands with forestry potential; and (d) the promotion of land-use planning processes and of sustainable options (article 2). The signatories reaffirm their sovereign right to proceed to use, manage and develop their forests in agreement with their own policies and regulation, as a function of their need for development, conserving and sustainably using their forests as a social and economic function while ensuring that their activities do not cause environmental damages to their own or other countries in the region. The Convention will oblige the Parties to promote participation of all interested parties, including inhabitants of forested areas in the planning, implementation and evaluation of national forest policies, and to recognize their rights, obligations and needs, and it will strengthen the application of national forest policies and strategies. The

Central American Commission on Environment and Development is the main executive organ of the Convention (article 7).

14. Protocol 10 on Sustainable Management of Forest Resources of the Agreement Amending the Fourth APC-EC Convention of Lomé

Adoption:	4 November 1995
Entry into force:	Not yet in force
Parties:	–
Text:	The ACP-EU Courier No. 155, 1996
Web site:	Not known

29. The implementation of Protocol 10 could play an important role for the forests located in the ACP States. It attempts to provide a balanced approach of various functions of forests.

15. Convention on the Protection of the Alps and Protocol for the Implementation of the Alpine Convention 1991 in the Area of Mountain Forests

	Alpine Convention	Mountain Forest Protocol
Adoption:	7 November 1991	27 February 1996 (8 States)
Entry into force:	6 March 1995	Not yet entered into force
Parties:	5 (01/1997)	–
Website:	Not available	(No English text of Protocol available yet)

30. When the Mountain Forest Protocol to the Alpine Convention enters into force, it could form a comprehensive framework for the region regarding its forests. It attempts to provide a balanced approach between conservation and economic functions of mountain forests, and stresses the need for international cooperation. It also contains provisions on monetary compensation in order for States to implement the protocol, such as when designating an area as forest reserve (articles 10 and 11).

16. North American Free Trade Agreement Between the Government of the United States, the Government of Canada and the Government of the United Mexican States (NAFTA) and North American Agreement on Environmental Cooperation (NAAEC)

	NAFTA	NAAEC
Adoption:	17 December 1992	13 September 1993
Entry into force:	1 January 1994	1 January 1994
Parties:	3	3
Web site:	http://www.nafta-sec-alena.org http://www.cec.org	

31. Although NAAEC contains no direct reference to forests, it provides in its objectives for, inter alia, increased cooperation to better conserve, protect and enhance the environment, including wild fauna and flora; protection and improvement of the environment; promotion of sustainable development; avoidance of creating trade distortions or new trade barriers; and public participation in the development of environmental laws. All of these objectives could have direct relevance for forests. Its elaborate part five on consultation and resolution of disputes regarding a "persistent pattern of failure" by a Party to effectively enforce its environmental law could be applied in forest-related matters.

17. Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA)

Adoption:	5 November 1993
Entry into force:	8 December 1994
Parties:	20 Member Countries
Website:	http://www.comesa.int

32. Chapter 16 of COMESA has great potential for the regulation of forest issues in the region. The implementation of COMESA aims exclusively at reaching a free trade area, as can be concluded from its activities since 1994 and from the five priority areas identified. There is no balanced strategy regarding forests, as one would expect from the text of the Agreement.

18. Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles)

Adopted: 14 June 1992

Agreed by: 176 States at the United Nations Conference on Environment and Development

Text: A/CONF.151/26 (Vol. III)

Web site: http://www.un.org/esa/sustdev/iff

33. Together with chapter 11 of Agenda 21 (see para. 34 below), the Forest Principles form the basis for discussions and consensus-building within IPF and IFF (see para. 35 below).

19. Agenda 21

Adopted: 14 June 1992

Agreed by: 176 States at the United Nations Conference on Environment and Development

Text: A/CONF.151/26/Rev.1 (Vol. I)

Web site: http://www.un.org.esa/sustdev

34. Application of Agenda 21 and its chapter 11 on combating deforestation takes place in various national and international forums; monitoring its implementation at the intergovernmental level takes place in the Commission on Sustainable Development and the IPF/IFF process.

20. Conclusions and proposals for action of the Intergovernmental Panel on Forests

Adopted: 21 February 1997

Agreed by: 53 States (Members of the Commission on Sustainable Development/IFF), endorsed by General Assembly in June 1997

Text: E/CN.17/IFF/1997/12

Web site: http://www.un.org/esa/sustdev/iff

35. In addition to several references to the Forest Principles and Agenda 21, the proposals for action of IPF include several explicit references to other international instruments. Among these instruments, the Convention on

Biological Diversity is represented most prominently, for example in such areas as underlying causes of deforestation and forest degradation, the promotion of understanding and use of traditional forest-related knowledge, and advancing international understanding of the relationship between intellectual property rights and such traditional knowledge. The proposals for action also requested the Conference of Parties to the Convention on Biological Diversity to take note of the work of various existing initiatives on criteria and indicators for sustainable forest management to ensure that the work of the Convention on Biological Diversity on developing and implementing biodiversity indicators would be consistent with and complementary to criteria and indicators initiatives. There were also reference to the Convention on Biological Diversity in the IPF proposals for action on international cooperation, research and technology transfer.

36. As recommended by the Panel, the governing bodies of organizations and instruments are encouraged to incorporate the implementation of the IPF proposals for action into their mandates and programmes. Countries are also encouraged to integrate the IPF proposals for action into their national forest programmes. Governing bodies, such as the ITTO Council of ITTA, the Convention on Biological Diversity and the FAO Committee on Forestry (COFO) have already acknowledged and recommended the inclusion of relevant IPF proposals for action into their respective work programmes. The IPF proposals for action also form the basis for the discussion that will take place within IFF at three substantive sessions. Collectively, the two processes, IPF and IFF, taken together, will finally constitute a comprehensive representation of the current international consensus on all types of forests.

B. Relationships between instruments and functions of forests

37. Additional information on the 20 international instruments reviewed in the present report is summarized in tables 1, "Global legally binding instruments", 2, "Regional legally binding instruments", and 3, "Non-legally binding instruments", which illustrate the contents and implementation of the instruments, including additional protocols and decisions of their respective Conference of parties. The tables present the relation of these instruments with the productive, environmental and social role and functions that forests may fulfil, and also include reference to the relation of these instruments with some basic preconditions that are deemed necessary in such areas as capacity-building and research to ensure the sustainability of those forest functions.

38. The tables indicate whether a particular function fulfilled by forests has been regulated by the international instrument and/or its implementation activities, on a relative basis. The idea behind presenting the information on the instruments elaborated in the present report in this format is to depict the areas of gaps and overlaps; the darker the cell, the more the issue has been included in an instrument and/or in its implementation activities.

39. It is assumed that all instruments have an equal status: no distinction has been made between instruments that have entered into force and instruments that have not yet acquired that status. It is also assumed that all instruments

have the same adherence; in other words, the tables do not include differentiation related to the number of Parties to the instrument.

III. PRELIMINARY CONCLUSIONS AND OPTIONS FOR ACTION

40. As shown in tables 1, 2 and 3, most functions and roles of forests have been regulated to some extent. Most instruments have links or have established links on forest-related issues. On the other hand, the analysis also articulates the great fragmentation in relation to forests. There does not exist an all-encompassing, cohesive and comprehensive legal instrument on forests; certain aspects or regions are omitted in any individual instrument.

41. Among the many possible options for filling the gaps in the international forest arena, the Forum may wish to consider: (a) adapting existing conventions to new forest-sector demands; (b) preparing specific agreements under existing instruments on forest topics that have not been regulated; (c) preparing a comprehensive agreement to deal with forests in a holistic manner; or (d) filling gaps with "soft-law" instruments that are non-legally binding.

Annex

LIST OF INSTRUMENTS WITH RELEVANCE FOR FORESTS[a]

I. LEGALLY BINDING INSTRUMENTS

A. Global

Environment, sustainable development

1. Convention on Wetlands of International Importance Especially as Waterfowl Habitat

2. Convention Concerning the Protection of World Culture and Natural Heritage

3. Vienna Convention for the Protection of the Ozone Layer

4. United Nations Framework Convention on Climate Change

5. Convention on Biological Diversity

6. United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

Human rights

7. Convention Concerning Indigenous and Tribal Peoples in Independent Countries

Trade

8. Convention on International Trade in Endangered Species of Wild Fauna and Flora

9. International Tropical Timber Agreement

10. General Agreement on Tariffs and Trade/Agreement Establishing the World Trade Organization

B. Regional

Environment, sustainable development

11. Convention on Long-Range *Transboundary* Air Pollution

12. Amazon Cooperation Treaty

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[a] For more detail on each instrument, see main text, sect. II.A, under the same subsection headings (1-20); see also tables 1, 2 and 3 below.

13. Regional Convention for the Management and Conservation of Natural Forest Ecosystems and the Development of Forest Plantations

14. Protocol 10 on Sustainable Management of Forest Resources of the Agreement Amending the Fourth APC-EC Convention of Lomé

15. Convention on the Protection of the Alps

Trade, economic integration

16. North American Free Trade Agreement

17. Treaty Establishing the Common Market for Eastern and Southern Africa

II. NON-LEGALLY BINDING INSTRUMENTS

18. Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests

19. Agenda 21

20. Conclusions and Proposals for Action of the Intergovernmental Panel on Forests

Table 1. Global legal instruments

INSTRUMENT	FUNCTIONS / ROLE OF FORESTS											PRECONDITIONS FOR FUNCTIONS				
	Productive/trade					Protective / environmental				Social						
	TMB		NTMB			bio-diversity	car-bon	soil	water	cul-tural	trad. use	CICL	CBRE	ScT	Part	Monit
	TRP	NTRP	TRP	NTRP	EF											
Ramsar						■	▨	▨	■							
World Heritage						▨				■					■	
Ozone													▨	■		■
Climate							■	■	▨					■		■
Biodiversity			▨	▨		■		▨	▨	▨	■	▨	▨	▨	▨	■
Desertification						▨		■	▨	▨	■	▨	▨	▨	■	▨
Indigenous People						▨				■	■				■	
CITES	■	▨	■	▨		▨						■				▨
ITTA	■		■			▨						■				▨
GATT/WTO	■	■	■	■		▨						▨				■

□ Not regulated ▨ Regulated to some extent ■ Regulated extensively

TMB	timber
TRP	tropical
NTRP	non-tropical
NTMB	non-timber products
EF	general economic functions
trad.use	traditional use

CICL	criteria and indicators; certification/labelling
CBRE	capacity building, research, education
ScT	science and technology
Part	participation
Monit	monitoring

Table 2. Regional legal instruments

INSTRUMENT	FUNCTIONS / ROLE OF FORESTS											PRECONDITIONS				
	Productive/trade					Protective / environmental				Social						
	TMB		NTMB		EF	bio-diversity	car-bon	soil	water	cul-tural	trad. use	CICL	CBRE	ScT	Part	Monit
	TRP	NTRP	TRP	NTRP												
Air Pollution								■	▨					■		■
Amazon Cooper					■	▨		▨		■	▨		▨	▨	▨	
Central American					■	▨		■		▨	▨				■	
Lomé IV	■					▨					■	▨	▨	▨	▨	
Alpine					▨		▨	■	▨		■		▨		▨	▨
NAFTA		■		■											■	▨
COMESA	■		■		■								▨			

□ Not regulated ▨ Regulated to some extent ■ Regulated extensively

TMB timber
TRP tropical
NTRP non-tropical
NTMB non-timber products
EF general economic functions
trad.use traditional use

CICL criteria and indicators; certification/labelling
CBRE capacity building, research, education
ScT science and technology
Part participation
Monit monitoring

Table 3. Non-legally binding instruments

NON-LEGALLY BINDING INSTRUMENTS	FUNCTIONS / ROLE OF FORESTS											PRECONDITIONS				
	Productive/trade					Protective / environmental				Social						
	TMB		NTMB		EF	bio-diversity	carbon	soil	water	cultural	trad. use	CICL	CBRE	ScT	Part	Monit
	TRP	NTRP	TRP	NTRP												
Forest Principles	▨	▨	▨	▨	■	▨	▨		▨	■	■	▨	■	▨	■	
Agenda 21. Ch.11	▨	▨	▨	▨	■	▨	▨	▨	▨	▨	■	▨	■	▨	▨	■
IPF Conclusions and Proposals for Action	▨	▨	▨	▨	▨	▨					▨	■	■	■	■	■

□ Not regulated ▨ Regulated to some extent ■ Regulated extensively

TMB	timber
TRP	tropical
NTRP	non-tropical
NTMB	non-timber products
EF	general economic functions
trad.use	traditional use

CICL	criteria and indicators; certification/labelling
CBRE	capacity building, research, education
ScT	science and technology
Part	participation
Monit	monitoring